



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE SUITE 1000
WASHINGTON, DC 20374-5065

IN REPLY REFER TO
ACQ 021
10 Apr 2003

MEMORANDUM FOR NAVFAC ACQUISITION PERSONNEL

Subj: DELEGATION OF AUTHORITY TO DETERMINE THAT SUPPLIES OR SERVICES
ARE TO BE USED TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM
TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL OR RADIOLOGICAL
ATTACK (03-01 AM)

Encl: (1) OASN (RD&A) memo dtd Apr 7, 2003
(2) NSSC memo dtd 28 Mar 2003

1. Enclosures (1) and (2) are forwarded for your information and immediate implementation. NAVFAC activities that anticipate a requirement for a temporary authorization to increase their Simplified Acquisition Threshold (SAP) under this authority may contact Angie Naill at (202) 685-9148, DSN 325-9148 or email NaillA@navfac.navy.mil.

A handwritten signature in cursive script, reading "L. Slates", is positioned above the typed name.

LOUISE F. SLATES
Head, Acquisition Strategic Programs
& Community Management



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

APR - 7 2003

MEMORANDUM FOR DISTRIBUTION

Subj: DELEGATION OF AUTHORITY TO DETERMINE THAT SUPPLIES OR SERVICES ARE TO BE USED TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL OR RADIOLOGICAL ATTACK

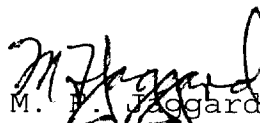
Ref: (a) OASN memo dtd Mar 7 2003; Subj: Procurements for Defense Against or Recovery from Terrorism or Nuclear, Biological, Chemical or Radiological Attack; Delegation of Authority

This memorandum supersedes reference (a). Federal Acquisition Circular (FAC) 2001-12 issued on January 24, 2003 implements Sections 852 through 856 and Section 858 of the Homeland Security Act (Public Law 107-296). These sections establish increased micropurchase and simplified acquisition thresholds and streamline acquisition procedures provided the head of the agency makes the subject determination.

In addition to implementing these sections of the Homeland Security Act, FAC 2001-12 applies the requirement for the head of the agency determination to the micropurchase and simplified acquisition thresholds established by the Temporary Emergency Procurement Authority to Facilitate the Defense Against Terrorism or Biological or Chemical Attack Act (Section 836 of Public Law 107-107).

The authority to make these determinations is delegated to the Heads of the Contracting Activities for both Acts.

Please ensure that cognizant contracting and purchase card personnel are aware of this authority.


M. H. Jagard
Chief of Staff/Policy
for DASN(ACQ)

Distribution:

Page 2

Subj: DELEGATION OF AUTHORITY TO DETERMINE THAT SUPPLIES OR
SERVICES ARE TO BE USED TO FACILITATE DEFENSE AGAINST OR
RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL
OR RADIOLOGICAL ATTACK

Distribution:

NAVAIRSYSCOM (2.0)
COMNAVFACENGCOM (ACQ 02)
NAVSEASYSYSCOM (02)
NAVSUPSYSCOM (02)
SPAWARSYSYSCOM (02)
MARCORMATCOM (M200)
ONR (02)
MSC (N-10)
CMC (LB)
SSP (SPN)
NAVICP (02)

Copy to:

MARCORSYSCOM (CT)
AGC



DEPARTMENT OF THE NAVY
NAVAL SUPPLY SYSTEMS COMMAND
5450 CARLISLE PIKE
PO BOX 2050
MECHANICSBURG PA 17055-0791

TELEPHONE NUMBER
COMMERCIAL
AUTOVON
IN REPLY REFER TO:

4200
Ser21A1/3068
SA03-16
28 Mar 03

From: Commander, Naval Supply Systems Command

Subj: TEMPORARY INCREASE TO SIMPLIFIED ACQUISITION THRESHOLD

Ref: (a) FAR Part 2
(b) DASN(ACQ) memo of 7 Mar 03
(c) DFARS Part 13

1. On 24 January 2003, Federal Acquisition Circular 2001-12 was issued as an interim rule to implement Sections 852 through 856 and Section 858 of the Homeland Security Act (Public Law 107-296). These sections provide a temporary increase in the micro-purchase and simplified acquisition thresholds and provide streamlined procedures for procurements of supplies and services, as determined by the head of the agency, that are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical or radiological attack. Reference (a) was subsequently revised to reflect the changes in the simplified acquisition threshold identified in statute. The use of this increased authority is contingent upon the purchase action being completed and the funds obligated on or before 30 September 2003. For the purpose of this temporary increase the definition of simplified acquisition threshold is:

"By or for the Department of Defense, in support of a contingency operation if contract award is made and funds are obligated on or before September 30, 2003 (Public Law 107-107, Sec.836(a)(1)(B), the term means:

- (A) \$250,000 for any contract to be awarded and performed, or purchase to be made, inside the United States; and
- (B) \$500,000 for any contract to be awarded and performed, or purchase made, outside the United States"

2. In accordance with reference (b) the agency head's designee for the procurements accomplished under this increased authority is the Head of the Contracting Activity (HCA). The HCA may redelegate the authority to determine whether a specific supply or service or class of supplies or services falls within the scope of this authority to no lower than the Chief of the Contracting Office (CCO) or to any member of the Senior Executive Service (SES) in the contracting office.

3. Department of Navy (DON) activities who anticipate a requirement to utilize this temporary authorization must first obtain an increase in their activity's procurement/contracting authority from their HCA. Second, the activity CCO, SES, or other HCA designee must make a determination that the proposed procurement is within the increased threshold authority.

Subj: TEMPORARY INCREASE TO SIMPLIFIED ACQUISITION THRESHOLD

Subsequently, contracting officer's warrants (SF1402) must be revised to reflect the increased threshold and specific authorization to purchase supplies and services used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

4. Contracting offices and contracting officers shall use the procedures in reference (c) to make awards under this authorization. In addition, using these increased thresholds requires contract reporting in accordance with DFARS 204.670-2.

5. Activities exercising this authority must collect and maintain data on the use of this increased authority. As a minimum, activities using this increased authority must collect for reporting purposes the date of the procurement, a general description of what was bought, and the amount of the buy. Activities using this increased authorization must provide this information to Commander Naval Supply Systems Command, Code 21, on or before 15 October 2003.

6. My point of contact for this policy letter is Mr. Clay Welker who can be reached at 717-605-7502 or DSN 430-7502 or via e-mail at clay.welker@navy.mil



DAVID M. FITZGERALD
By direction

Distribution:

NAVAIRSYSCOM (2.0)
COMNAVFACENCOM (ACQ 02)
NAVSEASYSYSCOM (02)
SPAWARSYSYSCOM (02)
MARCORMATCOM (02)
ONR(02)
MSC(N-10)
CMC(LB)
SSP(SPN)
NAVICP (02)

Copy to:

DASN(ACQ)
MARCORSYSYSCOM (CT)
AGC
FISC Norfolk
FISC Jacksonville
FISC San Diego
FISC Puget Sound
FISC Pearl Harbor
FISC Yokosuka
NRCC Naples
NRCC Singapore